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The rule of law at the national and international levels

Report of the Sixth Committee

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I. Introduction

1. The item entitled "The rule of law at the national and international levels" was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 65/32 of 6 December 2010.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th, 6th, 7th and 30th meetings, on 5 and 6 October and 11 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.5, 6, 7 and 30).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/66/133).

II. Consideration of draft resolution A/C.6/66/L.20

5. At the 30th meeting, on 11 November, the representative of Liechtenstein, on behalf of the Bureau, introduced a draft resolution entitled "The rule of law at the national and international levels" (A/C.6/66/L.20) and orally revised it as follows:

(a) A new operative paragraph 3 was inserted, reading:

"3. *Reaffirms also* the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter";

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(b) Operative paragraph 8 was repositioned as operative paragraph 4, and the subsequent paragraphs were renumbered accordingly;

(c) In operative paragraph 5 (former paragraph 3), the words "assessment of the challenges and" were deleted before the words "possible measures to improve the effectiveness";

(d) In operative paragraph 7 (former paragraph 5), the words ", including the participation of women in rule of law activities," were inserted after the words "relevant activities";

(e) A new operative paragraph 10 was inserted, reading:

"10. *Recognizes* the importance of restoring confidence in the rule of law as a key element of transitional justice";

(f) Operative subparagraphs 15 (a) and (b) (former subparagraphs 13 (a) and (b)), which read:

"(a) The high-level meeting will be held on Monday, 24 September 2012, and consist of a three-hour opening plenary and a three-hour round table;

"(b) The President of the General Assembly, the Secretary-General, the President of the International Court of Justice, the United Nations High Commissioner for Human Rights, major groups and a limited number of Member States as well as a representative of a non-governmental organization active in the field of the rule of law will be invited to speak at the plenary";

were replaced with the following:

"(a) The high-level meeting will be held as a one-day plenary on Monday, 24 September 2012;

"(b) The President of the General Assembly, the Secretary-General, the President of the International Court of Justice, the President of the Security Council, the United Nations High Commissioner for Human Rights, the Administrator of the United Nations Development Programme, the Executive Director of the United Nations Office on Drugs and Crime, the Chair of the International Law Commission, Member States and Observers, as well as a limited number of representatives of non-governmental organizations active in the field of rule of law will be invited to speak at the plenary";

(g) Operative subparagraphs 15 (c), (d) and (e) (former subparagraphs 13 (c), (d) and (e)), which read:

"(c) The round table will be co-chaired by two Heads of State or Government to be invited by the President of the General Assembly after consultations with the regional groups;

"(d) The round table will address the sub-topic 'Ways how the international community can enhance and better coordinate its efforts to strengthen the rule of law';

"(e) In order to promote a substantive and constructive dialogue, participation in the round table will include Member States, observers, representatives of entities of the United Nations system as well as selected

representatives of civil society organizations and non-governmental organizations that are active in the field of the rule of law";

were deleted and the subsequent subparagraphs were renumbered accordingly;

(h) In operative paragraph 16 (former paragraph 14), the word "document" was inserted after the words "concise outcome" and the word "inclusive" was inserted before the words "informal consultations";

(i) Operative paragraph 17 (former paragraph 15), which read:

"15. *Requests* the President of the General Assembly, in consultation with Member States, to finalize the organizational arrangements of the meetings, taking into account the length of the meetings, the level of representation as well as equitable geographical representation";

was revised to read:

"17. *Requests* the President of the General Assembly, in consultation with Member States, to finalize the organizational arrangements of the meetings, including the list of speakers for the plenary, taking into account the length of the high-level meeting, the level of representation, equitable geographical representation and the need to ensure that all listed speakers will have the opportunity to speak";

(j) Operative paragraph 18 (former paragraph 16), which read:

"16. *Takes note* of the Secretary-General's recommendations regarding the high-level meeting contained in paragraph 77 of his report, and in this regard requests the Secretary-General to submit more detailed recommendations, no later than March 2012, on ways how the international community can enhance and better coordinate its efforts to strengthen the rule of law";

was deleted;

(k) A new operative paragraph 18 was inserted, reading:

"18. *Requests* the Secretary-General to submit a report for the consideration of Member States in preparation of the high-level meeting no later than March 2012".

6. At the same meeting, the Committee adopted draft resolution A/C.6/66/L.20, as orally revised, without a vote (see para. 8).

7. The representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, spoke in explanation of position after the adoption of the draft resolution (see A/C.6/66/SR.30).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 65/32 of 6 December 2010,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming also the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (*e*) of the 2005 World Summit Outcome,[1]

1. *Takes note* of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[2]

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[1] See resolution 60/1.

[2] A/66/133.

2. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

3. *Reaffirms also* the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter;

4. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit with Member States on the topic "Promoting the rule of law at the international level", and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

5. *Stresses* the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, based on greater coordination and coherence within the United Nations system and among donors, and reiterates its call for greater evaluation of the effectiveness of such activities, including possible measures to improve the effectiveness of those capacity-building activities;

6. *Calls*, in this context, for dialogue to be enhanced among all stakeholders with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership;

7. *Calls upon* the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law-related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

8. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General;

9. *Requests* the Secretary-General to submit, in a timely manner, his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of its resolution 63/128 of 11 December 2008;

10. *Recognizes* the importance of restoring confidence in the rule of law as a key element of transitional justice;

11. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

12. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

13. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States on a regular basis, in particular in informal briefings;

14. *Stresses* the need to provide the Rule of Law Unit with the necessary funding and staff in order to enable it to carry out its tasks in an effective and sustainable manner, and urges the Secretary-General and Member States to continue to support the functioning of the Unit;

15. *Recalls* its decision to convene a high-level meeting of the General Assembly on the topic "The rule of law at the national and international levels" during the high-level segment of its sixty-seventh session, and decides that the organizational arrangements for the high-level meeting should be as follows:

(a) The high-level meeting will be held as a one-day plenary on Monday, 24 September 2012;

(b) The President of the General Assembly, the Secretary-General, the President of the International Court of Justice, the President of the Security Council, the United Nations High Commissioner for Human Rights, the Administrator of the United Nations Development Programme, the Executive Director of the United Nations Office on Drugs and Crime, the Chair of the International Law Commission, Member States and observers, as well as a limited number of representatives of non-governmental organizations active in the field of the rule of law,[3] will be invited to speak at the plenary;

(c) The President of the General Assembly shall draw up a list of representatives of non-governmental organizations in consultative status with the Economic and Social Council who will participate in the high-level meeting;

(d) The President of the General Assembly shall draw up a list of representatives of civil society organizations, including non-governmental organizations active in the field of the rule of law and, taking into account the principle of equitable geographical representation, submit the list to Member States for consideration on a no-objection basis, for participation in the high-level meeting;

16. *Decides* that the high-level meeting will result in a concise outcome document, and requests the President of the General Assembly to produce a draft text, in consultation with Member States, and to convene inclusive informal consultations at an appropriate date in order to enable sufficient consideration and agreement by Member States prior to the meeting;

17. *Requests* the President of the General Assembly, in consultation with Member States, to finalize the organizational arrangements of the meetings, including the list of speakers for the plenary, taking into account the length of the high-level meeting, the level of representation, equitable geographical representation and the need to ensure that all listed speakers will have the opportunity to speak;

18. *Requests* the Secretary-General to submit a report for the consideration of Member States in preparation for the high-level meeting, no later than March 2012;

19. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "The rule of law at the national and international levels";

20. *Invites* Member States as well as the Secretary-General to suggest possible sub-topics for future Sixth Committee debates for inclusion in the forthcoming annual report, with a view to assisting the Sixth Committee in choosing future sub-topics.

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[3] To speak on a non-objection basis in accordance with past practice.